

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESQUEL ENTERPRISES, LTD.,

Plaintiff,

v.

TAL APPAREL LIMITED, AND TALTECH
LIMITED,

Defendants.

No. C04-974Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

Before the Court are the deferred portions of TAL's Motion Under Fed. R. Civ. P. 37 to Compel Esquel to Comply with Discovery Requests, docket no. 90 ("TAL's First Motion to Compel"), and the deferred portions of TAL's Second Motion Under Fed. R. Civ. P. 37 to Compel Esquel to Comply with Discovery Requests, docket no. 105 ("TAL's Second Motion to Compel"). See Minutes, docket no. 107.

Esquel objects on relevance grounds to many of the discovery requests upon which TAL now moves. Rule 401 of the Federal Rules of Evidence defines relevant evidence to mean "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Fed. R. Evid. 401. In discovery, relevance is even broader. Under Rule 26(b)(1) of the Federal Rules of Civil Procedure, "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party" and "[r]elevant information need not be admissible at the trial if the discovery appears to be reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1).

Having applied this standard, the Court hereby ORDERS:

1 (1) The Court GRANTS TAL's First Motion to Compel re: RFP No. 190, but only
2 to the extent that the request calls for design plans for the period of March 2003 through
February 2004.

3 (2) The Court DENIES TAL's First Motion to Compel re: RFP No. 227.

4 (3) The Court GRANTS TAL's First Motion to Compel re: RFP No. 228.

5 (4) The Court GRANTS TAL's First Motion to Compel re: Interrogatory No. 8.

6 (5) The Court GRANTS TAL's Second Motion to Compel re: RFP No. 107.

7 (6) The Court DENIES TAL's Second Motion to Compel re: RFP No. 205.

8 (7) The Court DENIES TAL's Second Motion to Compel re: RFP No. 206.

9 (8) The Court DENIES TAL's Second Motion to Compel re: RFP No. 229.

10 (9) The Court DENIES TAL's Second Motion to Compel re: RFA Nos. 23, 24 and
26, because the quoted terms are vague and undefined.

11 (10) The Court GRANTS TAL's Second Motion to Compel re: RFA No. 25.

12 (11) Esquel shall complete document production and other responses ordered
13 hereby on or before January 23, 2006, or such subsequent date as counsel may by stipulation
mutually agree.

14 (12) In light of the fact that TAL was only partially successful on its motions, the
15 Court instructs the parties to meet and confer within the next 14 days to try to resolve the
fees and costs issue. If the parties cannot agree on an amount of fees and costs to be
16 awarded to TAL pursuant to Rule 37(a)(4)(A) of the Federal Rules of Civil Procedure, if
any, then TAL is permitted to file a motion for fees and costs by January 19, 2006 for the
17 Court's consideration.

18 (13) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

19 Filed and entered this 22nd day of December, 2005.

20 BRUCE RIFKIN, Clerk

21 s/ Casey Condon

22 By _____
23 Casey Condon
24 Deputy Clerk
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